

**CITY OF BRIDGEPORT
ORDINANCE COMMITTEE
REGULAR MEETING
OCTOBER 25, 2011
6:00 PM**

ATTENDANCE: Council members: Paoletto; Co-chair, Baker; Co-chair, Vizzo-Paniccia, M. McCarthy, dePara, A. Ayala, Bonney

NON-COMMITTEE: Council members: T. McCarthy, Brannelly, Martinez

Co-chair Paoletto called the public hearing to order at 6:00 pm.

Approval of Committee Minutes: Special Meeting June 13, 2011;
Public Hearing June 20, 2011; Regular Meeting June 28, 2011

**** COUNCIL MEMBER M. MCCARTHY MOVED TO ACCEPT THE MINUTES**
**** COUNCIL MEMBER BAKER SECONDED**
**** MOTION PASSED UNANIMOUSLY**

Co-chair Paoletto stated that they were waiting for the city attorney to arrive, so the agenda was taken out of order.

58-10 Proposed amendments to the Municipal Code of Ordinances, Chapter 10.20 Towing, amend Section 10.20.080 Qualified Towers – Storage Space, add new Subsection C.

Pete Keough stated he was there to represent parking enforcement associated with towing for the city. He explained that there was a discrepancy in the ordinance regarding municipal towing and the accident list. He stated that they always had storage for ten (10) vehicles, but the ordinance didn't outline information for truck towing run list. He said the information needed to be added to the ordinance and authorized. The matter related to a qualified tower that will have additional indoor secure storage to accommodate the vehicles. Council member T. McCarthy asked if he was looking to modify the C-language and add the **new C-language to ordinance 10.20.080**. Mr. Keough said that was correct.

**** COUNCIL MEMBER T. McCARTHY MOVED TO APPROVE THE
MODIFICATION TO APPROVE AND ADD THE NEW C-LANGUAGE TO
ORDINANCE 10.20.080
** COUNCIL MEMBER VIZZO-PANICCIA SECONDED
** MOTION PASSED UNANIMOUSLY
*Consent calendar**

125-10 Proposed amendment to the Municipal Code of Ordinances, amend to add new Chapter 12.70 Procedure for Laying Out, Acquiring, Discontinuing or Abandoning Public Improvements, including roads.

Attorney Pacacha, Associate City Attorney asked the committee members if they had the amended copy of the proposed ordinance. He explained that the proposed new ordinance pertained to the abandonment of streets, the creation and abandonment of other improvements. He recalled that over the years, there was some uncertainty about street abandonment's, because the city wasn't exactly following the ordinance for them. They've been operating with a made up committee and selected officials; such as the city clerk who process the street abandonment's. He clarified that the matter pertained to a matter of legality. Mike Nidoh indicated that putting abandoned streets back on the map would add to the tax roll. He explained that there may be deeds or leases granted, but this requires a lot of work and preparation to process the following

- title report
- conduct a survey
- draft the city council report
- population of the board needs to be created or a special committee appointed

He clarified that they don't want to abandon a street at the risk of cutting off a main road and they need to make sure that property rights are protected – *he distributed information related to what needs to be done and who is in charge of doing what.*

He referred to the flow chart and noted that an application can be submitted by a partying interest, it is then submitted to the city council for approval or rejection for the reason indicated. However, as soon as it goes through the process, the application is submitted to the city council, the Public Safety Committee and then it's submitted to the Board of Assessments and the special committee made up of department heads. He noted that the special committee should be people that have knowledge of street abandonment's. Then the matter is referred to the city engineer who ends up changing the street maps. The administration has to receive an 8-24 referral from the Planning & Zoning Commission and a request will be made for city department review. He said this may change from time to time and submitted to persons that have an interest in the

abandoned street. The application is submitted back to the Board of Assessments and a hearing is held for adjoining property owners and interested parties, who have the right to a hearing. Then the board decides who is responsible for the abandonment. After the board completes the request, a report is submitted to the Public Safety Committee and if it's approved, it's referred back to the city council for a recommendation and they will review it for any discrepancies. If any discrepancies are found, it will be sent back to the board. When the item comes out of the city council, it goes back to the administration that has to make sure that there are no new property owners on the street and they will then determine what property will be deeded to which person. He said it's important to ensure that the applicant pays all the associated costs to avoid the city having to incur any costs. The next step will be the issuance of the certificate and it's reported on the land records. He mentioned that it's a complicated process, but it will help with determining how abandonment's take place.

Council member Ayala asked once the matter goes before the city council and other referrals; can the administration give a recommendation for the item to come back to the council. Attorney Pacacha said no, after the city council approves the report, it goes back to the administration or the city engineer.

Council member M. McCarthy stated that when the city council approves the referral and the city goes back to do due diligence, he said they may find something different on the report. In that case, the referral will be amended and sent back to the special committee.

Council member Baker asked who appoints the special committee. Attorney Pacacha said the appointments are through the Mayor and they will probably be vetted through the city council. He explained that they are trying to reflect the process that is outlined in the charter. He noted that all the same mechanics apply and the new process is just a better way to enforce what's already outlined when it comes to committee.

Attorney Pacacha stated that the engineer is the key person during the process, because he understands what's involved in street abandonment.

Council member Bonney asked if the item comes around to the council a second time. Attorney Pacacha said filing of the recommendation comes from the Public Safety Committee. If they find that something is wrong, they can send it back to committee.

Council member Bonney questioned how the council would know if someone didn't do their due diligence. Attorney Pacacha said they will probably find out if someone comes forward with a complaint of injury or another issue. He clarified that they were dealing with ownership and rights to property.

Council member Walsh stated when he thought he heard it all; the city attorney presents a way to strip away a board by charter. He emphasized that this equated to asking the council to circumvent what's in the charter. Attorney Pacacha stated this was

the way the council has been doing it for sixteen years and it doesn't eliminate the committee.

Council member Walsh disputed the comment that the change equates to giving the Mayor the authority to authorize the special committee appointments. He didn't feel the process was reasonable.

Council member M. McCarthy said he realized that a lot of time was involved to implement the process. He asked when the referral comes back a second time to the council, can it be denied. Attorney Pacacha said no, but they can send it back for further work, which will be one way of stopping it from happening. He said when the recommendation from the special committee comes back; it's only recorded as a referral. He emphasized that the idea is to assure that everyone's rights are protected.

Council member Lyons stated that a few council members serve on the Public Safety Committee. She relayed that a referral item was recently on the committee's agenda and she noted that they ensure that the abandonment requests are carefully discussed and reviewed. The committee has the maps and all the recommendation information available during the meeting and she felt they've done a reasonable job approving them.

Council member Brannelly asked what happens in a case where the city is looking to get rid of a property, is the city able to take it and abandon it or enforce it on an abutting property owner. Attorney Pacacha said sometimes there is a little strip of property between two homes; in that case, they give the owner the option to take the property, but they can't force them to.

Council member dePara asked what happens if the committee doesn't feel good about the abandonment, does the item die in committee. Attorney Pacacha said most likely it will result in a court action to decide if the city acted improperly by not allowing the abandonment.

Co-chair Baker stated that he appreciated the time to put the ordinance together, however; he was uncomfortable with the city not having the ability to approve it. He felt they should have the ability to shut it down, go forward, deny or approve it before it goes on to the next step.

Attorney Pacacha said the problem is that he can't give anymore power than what's outlined in the charter. If the charter reads that the report goes back to the city for review, that's what it is, but currently it doesn't read that it comes back for a second approval. Co-chair Baker said it could be changed though. Attorney Pacacha explained that they were trying to close the loop to make the process workable for the departments to add streets back to the tax roll and to assist the developers in financing

properties for development. He reiterated that the process is currently uncertain, so that's the reason for the new ordinance.

Co-chair Baker commented that he felt the item could wait.

**** COUNCIL MEMBER VIZZO-PANICCIA MOVED TO AMEND**
Proposed amendment to the Municipal Code of Ordinances, amend to add new Chapter 12.70 Procedure for Laying Out, Acquiring, Discontinuing or Abandoning Public Improvements, including roads.

There was no second to the motion

**** COUNCIL MEMBER BAKER MOVED TO DENY**

There was no second to the motion

**** COUNCIL MEMBER M. McCARTHY MOVED TO ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING THE ITEM**

**** COUNCIL MEMBER dePARA SECONDED**

City Attorney Anastasi stated that the committee could hold a caucus to discuss the matter, but they couldn't enter into executive session.

**** COUNCIL MEMBER M. McCARTHY MOVED TO RECESS FOR THE PURPOSE OF HOLDING A 5-MINUTE CAUCUS TO DISCUSS THE ITEM**

**** COUNCIL MEMBER dePARA SECONDED**

**** MOTION PASSED UNANIMOUSLY**

The committee recessed to caucus at 6:53 pm.

The meeting reconvened at 6:58 pm.

**** COUNCIL MEMBER BAKER MOVED TO TABLE**

**** COUNCIL MEMBER M. McCARTHY SECONDED**

**** MOTION PASSED WITH FIVE VOTES IN FAVOR AND ONE VOTE IN OPPOSITION (COUNCIL MEMBER VIZZO-PANICCIA)**

111-10 Proposed amendments to the Municipal Code of Ordinances, amend to add new Chapter to establish a fee for the preparation of an affidavit by the City of Bridgeport Office of Vital Statistics.

Co-chair Baker updated that he asked the clerk of Vital Statistics to attend the meeting tonight, but they were unable to attend. He stated that he submitted the proposal to bring in more revenue and make the vital statistic records more accessible with service added for residents to obtain documents. He stated the documents will be notarized at the office. He further explained that a generic form will be put together and the charge will be \$25.00.

Co-chair Paoletto stated that he was in support of the item. He relayed that he works closely with the office and he has observed that they get inundated with requests and he thought the fee was minimal for providing a good service.

Council member Vizzo-Paniccia asked about the affidavit information that was outlined in the proposal. Co-chair Baker explained that a notary requires a signature and in certain cases for a specific document, it needs to be notarized.

Council member Vizzo-Paniccia asked if the fees would stay with the city. Co-chair Paoletto said yes, it would go to the general fund.

Council member dePara asked Co-chair Baker if someone from the street could walk in and have a signature notarized. Co-chair Baker said yes.

Council member dePara asked if they added the skill of responsibility, how would this affect the labor contractual issue. Attorney Anastasi said there is nothing in the collective bargaining agreement preventing someone from being a notary.

Council member T. McCarthy said if someone in the office happens to be a notary, they can't force them to notarize a document, but they can negotiate with the union to change the job description to enforce notarizations. However, to require an employee to do something that isn't in their job description goes back to the union. Co-chair Paoletto asked if the item is approved, can the office perform the service until that issue is straightened out. Council member T. McCarthy said they could talk to the union about it, but he didn't feel that it would be big issue and it won't be a violation of the law. He said the item could still be approved and they could follow up with working the issue out with the union.

Council member dePara commented that he wasn't looking to derail the item, noting that he was only looking to make the implementation process better.

Council member Vizzo-Paniccia questioned if a person wanted to do private notary work, how does that work in terms of who receives the fee. Attorney Anastasi said from

his perspective, that shouldn't pose any conflict if a notary does the work on their own time.

Council member T. McCarthy reiterated that he didn't feel the matter would be a big labor issue. He suggested that they apply an effective timeframe to the item to allow time to get back to the union.

**** COUNCIL MEMBER M. McCARTHY MOVED TO APPROVE**

**** COUNCIL MEMBER BONNEY SECONDED**

**** MOTION PASSED UNANIMOUSLY**

***Consent calendar**

112-10 Proposed amendments to the Municipal Code of Ordinances, amend to add new Chapter to establish a fee for all genealogical searches in the Office of Vital Statistics.

Co-chair Baker explained that the item pertained to conducting genealogical searches and the fact that a fee isn't currently charged. He said approval of the item would generate extra money for all genealogical searches done.

Co-chair Paoletto stated that he was in support of the item. He repeated that he frequently visits the office and he observes the numerous requests that are made. He noted that the fee structure will be \$40.00 and it will be charged for a city resident and an out of town resident. He clarified that it will be a \$40.00 flat fee for the search.

Council member M. McCarthy asked if there was an estimate of how much time it will take for a staff member to perform the search. Co-chair Baker said the time involved varies depending on the request. He clarified that the fee is calculated for each separate search.

Council member Martinez stated that it would be great to bring in more revenue to the city. However, she cautioned that the process may decrease the time the staff has to serve other customers. She thought it might become very time consuming. Co-chair Paoletto responded that the service is currently being done anyway and time is taken up at no fee.

Attorney Anastasi asked if this service would be in lieu of public records access under FOI. Co-chair Paoletto said it could be considered an addition to or a luxury service to public records access. He pointed out that most people don't know how to navigate the information unless they have some expertise in genealogy. Co-chair Baker concurred that the service is already being done and the office staff has the time to do it. The only difference is that they're not currently charging a fee to conduct the searches.

Attorney Anastasi said he wanted to clarify that the service wasn't in lieu of requesting public records where a resident currently pays fifty cents per copy.

**** COUNCIL MEMBER M. McCARTHY MOVED TO APPROVE**
**** COUNCIL MEMBER dePARA SECONDED**
**** MOTION PASSED UNANIMOUSLY**

***Consent calendar**

87-10 Proposed amendments to the Municipal Code of Ordinances, amend to add new Chapter 8.81 Sexually Oriented Businesses Ordinance, constructed in a manner similar to the Town of Berlin.

Council member Walsh said he stood by what was submitted concerning the technical issues related to the item. He had one objection to the draft that pertained to taking away the language that's reinforced in the zoning code and the problem of not leaving the matter up to the Zoning Board of Appeals. He stated that other towns have approved enforcement to ensure public safety would be adhered to.

Attorney Anastasi said the board disagreed with the language regarding permitted uses. He stated that appeals are up to the court and the city. He explained that one reason the item was before the committee is to modify the zoning regulations for the purpose of identifying sites for adult entertainment as a permitted use, per the new regulations and zoning map. The purpose of the ordinance is to piggyback what the regulations read and work in unison to address licensing requirements, background checks and health and safety issues. However, there is no authority to make decisions with respect to location; that's up to the Land Use Board according to Associate Attorney Schmidt, who is thoroughly familiar with the issue. He emphasized that the location and the site of activities is not in the purview of the city council.

Co-chair Paoletto referred to the substituted document per Council member Walsh's input – *revised draft dated July 7, 2011*. He asked when the document was submitted to the council members, noting that tonight was the first time he saw it. Council member T. McCarthy stated that it was emailed to him tonight before the meeting.

Co-chair Paoletto repeated that tonight was the first time he was seeing the revised draft. He recalled that during June, a recommendation was requested by Council member dePara.

Council member dePara stated that he initially had questions about the procedural requirements and the time limits regarding whether the city had the logistical means to handle the entire process. Attorney Anastasi said the administration, the CAO and the Mayor were supportive of the effort and they were in favor of it. He reiterated that it's a

follow up stage to the zoning regulations. And Attorney Schmidt felt the document as it was revised was appropriate for consideration by the city council and to hold a public hearing.

Council member dePara noted that although he noticed that some of his recommendations were incorporated in the amendment, he was just seeing the revised document tonight. However, he supported the spirit and intent of what the proposed ordinance was looking to accomplish. He repeated his concern that they don't have the procedures and expertise in place to make it happen.

Council member Brannelly pointed out that the community members have concerns about massage parlor businesses in the 130th district – *she read a letter that was drafted to the city council regarding the matter – copy attached to the city clerk's book.* She said they had questions about the changes that were made and the initial ordinance concerning massage establishments that were defined in the red line version outlining what they are. She referred to the second to last page that outlined the operating requirements for massage parlors.

Attorney Anastasi stated that in conversations with Attorney Schmidt, he clarified that the ordinance may require a public hearing. He said he would check on the technical questions with Attorney Schmidt.

Co-chair Paoletto asked if the item passed in committee, would it require a public hearing. Attorney Anastasi said yes. He added that they may want to state some substantive input and then they could make changes to the document thereafter.

Co-chair Paoletto clarified that an Ordinance Committee public hearing would be held, not a city council public hearing. Attorney Anastasi concurred. He reiterated that if that's the case, they will have answers to Council member Brannelly's questions at the November 7 meeting.

Council member Brannelly asked for clarification pertaining to the wording for locations. Attorney Anastasi stated that there are now limited sites in the city where the activity is permitted according to the regulations that were defined by the P&Z Commission that are currently being enforced.

Council member T. McCarthy commented that he was in favor of the document, although a couple of tweaks are needed. He emphasized that they won round 1, and anything to fight adult entertainment in a neighborhood is appreciated. He stressed that the dirty massage parlors in Bridgeport are a scourge. He clarified that he didn't want the language to be confused with legitimate massage facilities and spas. He asked about the proposed penalty of \$250.00 and whether the penalty could be charged for each illegal service these establishments provide. Attorney Anastasi read the language that related to the preventative violation charge.

Council member T. McCarthy said he was uncomfortable with the city council serving the role for the appeal process. Council member Walsh said if they set a committee of five and it doesn't have sufficient representation from the area, it could be a problem. He said he would feel better for the matter to come before the full city council.

Council member Lyons stated that she was in support of the ordinance. She mentioned that some establishments hid behind using other names for operating, such as; spas and modeling studios. Attorney Anastasi said it's not what they call it that matters - *he referred to the term massage parlor that was outlined on page 6 of the document.* Council member Lyons said if that was the case, why not call the establishment a modeling studio.

Council member Lyons asked how they would detect a violation. Attorney Anastasi thought that would be done by complaints made through the health director and the police department that would be involved.

Attorney Anastasi explained that schools and parks have been eliminated, because those locations have already been dictated as prohibited by zoning.

Co-chair Paoletto commented that there were more questions asked by the committee, which is what happens when they try to get something done at the last hour.

**** COUNCIL MEMBER M. McCARTHY MOVED TO ACCEPT THE DOCUMENT AS AMENDED AND PUT THE ITEM TO A PUBLIC HEARING**

Co-chair Paoletto emphasized that the item is a good thing, but he didn't feel it should be rushed. He stated the item has had less time in committee for review than other matters and he didn't agree with it being pushed through tonight.

Council member T. McCarthy asked Council member M. McCarthy for clarification of what he wanted to approve tonight. Council member M. McCarthy explained he was looking to move the document forward as long as it can be amended later. Council member T. McCarthy said if they approved the item tonight, it will leave committee and it will be open to bringing it to the city council floor. However, he said he was in agreement with ordering a public hearing.

Council member M. McCarthy rescinded his motion

Co-chair Baker stated that he heard a lot of concerns and he realized the importance of the item going through properly, so he didn't have a problem with holding a public hearing.

Council member Walsh pointed out that at looking at the draft prepared on July 7, 2011; he noticed that the committee didn't meet during the months of July, August and

September. He stressed that the language is outlined to clearly state what the compelling interest is. He further stressed that he wanted extra protection that zoning doesn't change their rules. Attorney Anastasi said the P&Z Commission could amend the regulations in the future, although he didn't see any reason to believe that they would.

Council member Vizzo-Paniccia said there was a lot of information to understand. She mentioned that the matter affected a big portion of the city map wise. She questioned if new staff would be required to enforce the regulations and address illegalities. She further questioned if the ordinance would cover adult stores where they sell toys and magazines; she pointed out that there are some regular stores where they sell other items and where kids go with their parents, also carry explicit magazines. She also asked about newsstands that carry adult magazines to point out that if the ordinance was approved, they needed to make sure it covers all areas.

Co-chair Paoletto stated that he would like input from the police department and other sources on the matter.

Council member Brannelly questioned what activity is legal in a sexually oriented business – *referenced on page 2 under item F*. She commented that there were many gaping holes in the ordinance and she felt they needed more time to work it out.

Attorney Anastasi said it was important to get a full briefing of what the Planning & Zoning Commission established in the regulations and to review the zoning maps.

Council member Bonney commented that the activities still had to be policed and there were laws on the books now to address the matter. He commented that he didn't understand why every entire document had to be so dissected.

Co-chair Baker referred to page 4 of the document. He questioned why the detailed information was crossed out. Attorney Anastasi explained that they needed to maintain consistency and incorporate definitions from the zoning regulations into the document by reference.

Council member Lyons said when they pass rules that the city council is responsible for, it's the responsibility of the City of Bridgeport and its employees to follow up on anything that is passed through the council. She said her concern was with zoning and the things that was recommended to take out needed more time to absorb.

Attorney Anastasi said when the P&Z Commission did the study and the regulations and zoning map, they took into account the sensitive areas; such as schools, churches etc.

Council member Lyons stressed that she wasn't in favor of these types of establishments, but she felt there would be laws to override the issue. She said they

should do their best to pass the ordinance out of consideration to Bridgeport residents.

Council member Vizzo-Paniccia stated the concerns were too numerous to approve tonight, because there was a lot to absorb.

**** COUNCIL MEMBER VIZZO-PANICCIA MOVED TO TABLE THE ITEM FOR THE PURPOSE OF OBTAINING ADDITIONAL INFORMATION AND TO BRING OTHERS ON BOARD THAT HAVE KNOWLEDGE OF THE ISSUE FOR THEIR INPUT**

**** COUNCIL MEMBER T. McCARTHY SECONDED**

**** MOTION PASSED UNANIMOUSLY**

Co-chair Paoletto commented to the makers of the proposal that the request was admirable. He thanked everyone for all their input, noting that he felt it would be good for the city as a whole.

42-10 Proposed amendments to the Municipal Code of Ordinances amend Chapter 2.38 Code of Ethics.

Co-chair Paoletto stated that the item was before the committee previously. He said he appreciated what the Ethics Commission did as a whole – *the updated copy of the ordinance was submitted.*

Joe Ianniello, chairman of the Ethics Commission stated that the ordinance was thought out and a large number of people have contributed to it since dating back to 2008. He said they found problems with the operation of the commission and he was asked to look at the matter to propose changes and plainer language that would be user friendly. He explained that they were looking to add the best practices of municipalities and make structural changes to the Ethics Commission - *he read the text referencing public officials.* He said the changes proposed consisted of lengthy text to break up seven paragraphs currently outlined in the ordinance. He noted some of the changes that were made pertaining to: the chapter of introduction – they added a summary statement and they added functions of the commission that weren't outlined in the ordinance.

Attorney Anastasi stated that the chairman of the Ethics Commission gave a broad overview of the substantive changes. However, copies reflecting those changes weren't available for everyone tonight to review; he noted that the copy he reviewed wasn't the final copy. He suggested that the committee take a short break so he could make some copies of the final version. Co-chair Paoletto stated they had the same version of the document previously submitted.

Council member T. McCarthy stated with all due respect to Chairman Ianniello that when they receive documents at the last minute, there's a good chance that the committee won't deal with it at that time. He emphasized that it's always better to submit the documents to the committee before the meeting. Attorney Anastasi said they needed to make the city clerk aware of that.

It was determined that the Mr. Ianniello should take the original version and outline the revisions using the red line and strike through feature.

**** COUNCIL MEMBER VIZZO-PANICCIA MOVED TO TABLE**
**** COUNCIL MEMBER T. McCARTHY SECONDED**
**** MOTION PASSED UNANIMOUSLY**

79-09 Request concerning Personal Services Contracts and Procurement Ordinance.

Council member Walsh recalled that this item was before the city council during May 2010. He stressed that he tried to work with the city on the matter, but he never received the information. He stated he wanted to withdraw the request – *Council member Walsh left the meeting after he made the statement.*

Council member T. McCarthy stated they would table the item for now.

**** COUNCIL MEMBER T. McCARTHY MOVED TO TABLE**
**** COUNCIL MEMBER dePARA SECONDED**
**** MOTION PASSED UNANIMOUSLY**

Other business:

**** COUNCIL MEMBER BAKER MOVED TO SCHEDULE A PUBLIC HEARING
PRIOR TO THE NEXT CITY COUNCIL MEETING ON NOVEMBER 7, 2011.
FOR ALL THE ITEMS THAT WERE APPROVED TONIGHT ONLY**
***Verify the items that were recorded for approval in the city clerk's book.**
**** COUNCIL MEMBER BONNEY SECONDED**
**** MOTION PASSED UNANIMOUSLY**

ADJOURNMENT

**** COUNCIL MEMBER VIZZO-PANICCIA MOVED TO ADJOURN**
**** COUNCIL MEMBER dePARA SECONDED**
**** MOTION PASSED UNANIMOUSLY**

The meeting was adjourned at 8:58 pm.

Respectfully submitted,

Diane Graham
Telesco Secretarial Services